REPUBLIC ACT NO. 8495

AN ACT REGULATING THE PRACTICE OF MECHANICAL ENGINEERING IN THE PHILIPPINES

ARTICLE I

TITLE, STATEMENT OF POLICY, AND DEFINITION OF TERMS

1. TITLE

- PHILIPPINE MECHANICAL ENGINEERING ACT OF **1998**.

2. STATE OF POLICY

- STATE SHALL DEVELOP AND NURTURE COMPETENT, VIRTUOUS, PRODUCTIVE AND WELL-ROUNDED MECHANICAL ENGINEERS WHOSE STANDARD OF PROFESSIONAL PRACTICE AND SERVICE SHALL BE EXCELLENT

3. DEFINITION OF TERMS

A. PRACTICE OF MECHANICAL ENGINEERING

- CONSULTATION, VALUATION, INVESTIGATION AND MANAGEMENT SERVICES
- ENGINEERING DESIGN, PREPARATION OF PLANS, SPECIFICATIONS AND PROJECTS STUDIES OR ESTIMATES FOR MECHANICAL EQUIPMENT
- MANAGEMENT OR SUPERVISION OF THE ERECTION, INSTALLATION, ALTERATION, TESTING AND COMMISSIONING OF MECHANICAL EQUIPMENT
- MANAGEMENT, SUPERVISION, OPERATION, TENDING OR MAINTENANCE OF ANY MECHANICAL EQUIPMENT
- MANAGEMENT OR SUPERVISION OF THE MANUFACTURE, SALE, SUPPLY OR DISTRIBUTION OF MECHANICAL EQUIPMENT
- TEACHING OF MECHANICAL ENGINEERING PROFESSIONAL SUBJECTS
- EMPLOYMENT IN GOVERNMENT AS A PME, RME, OR CPM IF THE NATURE AND CHARACTER OF HIS WORK IS IN LINE WITH HIS PROFESSION REQUIRING PROFESSIONAL KNOWLEDGE OF THE SCIENCE OF MECHANICAL ENGINEERING.

B. MECHANICAL EQUIPMENT OF MACHINERY

- INCLUDES ALL PRIME MOVERS , STEAM GENERATORS, MATERIALS HANDLING EQUIPMENT
- HVAC, AND REFRIGERATION EQUIPMENT AND MACHINERY
- PIPING SYSTEM WITH A WORKING PRESSURE OF NOT LESS THAN **70** KPA
- FIRED AND UNFIRED PRESSURE VESSEL, PRINTING MACHINE
- MECHANICAL WORKING MACHINES (FOR METAL AND NON-METALS)
- MECHANICAL EQUIPMENT AND MACHINERY WHETHER INSTALLED ON LAND, UNDERGROUND, OR ON BOARD WATERCRAFT.

C. MECHANICAL PROCESSES, WORKS, PROJECTS OR PLANTS

- POWER PLANTS, ALL KINDS OF MILLS, SHOPS, FACTORIES, SHIPYARDS DRY DOCKS, HVAC, AND REFRIGERATION PLANTS

D. CAPACITY OF PROCESS WORKS, PROJECTS OR PLANT-RELATED CAPACITY

- TOTAL KILOWATT RATINGS OF ALL ENGINES, MOTORS, BOILERS, TURBINES, OR OTHER PRIME MOVERS INSTALLED FOR USE IN SUCH WORKS, PROJECTS OR PLANTS, WHETHER IN OPERATION OR NOT, AND WITHOUT REGARD TO THE NUMBER OF CAPACITIES OF THE MECHANICAL EQUIPMENT, MACHINERY OR PROCESSES RECEIVING POWER FROM OR INTENDED TO BE DRIVEN BY SUCH PRIME MOVERS.

ARTICLE II

BOARD OF MECHANICAL ENGINEERING

4. CREATION AND COMPOSITION OF THE BOARD OF MECHANICAL ENGINEERING

- A CHAIRMAN AND **TWO (2)** MEMBERS TO BE **APPOINTED BY THE PRESIDENT OF THE PHILIPPINES** FROM (**3**) RECOMMENDED RANKED IN ORDER OF PREFERENCE BY THE PRC.
- THE **3** RECOMMENDED IS CHOSEN FROM THE **5** NOMINEE SUBMITTED BY THE ASSOCIATION OF ME.

5. QUALIFICATIONS OF MEMBERS OF THE BOARD

- ❑ NATURAL BORN CITIZEN AND RESIDENT OF THE PH
- ❑ AT LEAST **35** YO
- ❑ HOLDER OF BSME IN PH OR ABROAD THAT IS ACCREDITED BY CHED
- ❑ PME WITH A VALID LICENSE AND ACTIVE PRACTITIONER OF NOT LESS THAN **10** YEARS PRIOR TO APPOINTMENT.
- ❑ MUST NOT, FOR A PERIOD OF **THREE (3)** CONSECUTIVE YEARS PRIOR TO APPOINTMENT, BE A MEMBER OF THE FACULTY ANY SUCH INSTITUTIONS OF LEARNING
- ❑ MUST NOT, FOR A PERIOD OF **THREE (3)** CONSECUTIVE YEARS PRIOR TO APPOINTMENT, BE CONNECTED WITH A REVIEW CENTER
- ❑ HAS NEVER BEEN CONVICTED OF ANY OFFENSE INVOLVING MORAL TURPITUDE

6. TERMS OF OFFICE

- MEMBER OF THE BOARD SHALL HOLD OFFICE FOR A TERM OF **3** YEARS UNLESS THAT MEMBER IS RE-APPOINTED FOR ANOTHER **3** YEARS TERM.
- NO MEMBER OF THE BOARD SHALL SERVE FOR **MORE THAN TWO (2)** REGULAR TERMS.
- ANY VACANCY OCCURRING WITHIN THE TERM OF A MEMBER DUE TO RESIGNATION, CONVICTION OF ANY KIND, SHALL BE FILLED BY APPOINTMENT BY THE PRESIDENT OF THE PHILIPPINES
- SUCH MEMBER APPOINTED SHALL SERVE FOR THE UN-EXPIRED PORTION OF THE TERM VACATED WITHOUT BIAS TO SERVE FOR A **MAXIMUM OF TWO (2)** FULL TERMS
- IF THE APPOINTEE COMES FROM THE INCUMBENT BOARD, HE SHALL SERVE THE REMAINING VACATED TERM IN ADDITION TO THE PREVIOUS YEARS HE HAD ALREADY SERVED AND SHALL BE QUALIFIED FOR REAPPOINTMENT IN HIS NEW POSITION: PROVIDED, HIS TOTAL NUMBER OF YEARS OF SERVICE **SHALL NOT EXCEED TWO (2)** REGULAR FULL TERMS.

7. COMPENSATION AND ALLOWANCES OF THE BOARD MEMBERS

- SHALL RECEIVE COMPENSATION AND ALLOWANCES COMPARABLE TO THE COMPENSATION BEING RECEIVED BY THE CHAIRMEN AND MEMBERS OF EXISTING REGULATORY BOARDS IN THE COMMISSION **ALSO PROVIDED IN THE GENERAL APPROPRIATIONS ACT**

8. SUPERVISION OF THE BOARD, CUSTODIAN OF ITS RECORDS, SECRETARIAT AND SUPPORT SERVICES

- THE BOARD SHALL BE UNDER THE GENERAL SUPERVISION OF THE COMMISSION
- ALL RECORDS OF THE BOARD SHALL BE KEPT BY THE COMMISSION
- THE COMMISSION SHALL DESIGNATE THE SECRETARY OF THE BOARD AND SHALL PROVIDE THE SECRETARIAT AND OTHER SUPPORT SERVICES.

9. POWER AND DUTIES OF THE BOARD

- TO SPREAD AND ADOPT THE RULES AND REGULATIONS NECESSARY FOR CARRYING OUT THE PROVISIONS OF THIS ACT
- TO SUPERVISE THE REGISTRATION, LICENSURE AND PRACTICE OF ME
- TO ADMINISTER OATHS IN CONNECTION WITH THE SUCCESSFUL EXAMINEES
- TO ISSUE THE CERTIFICATE OF REGISTRATION
- TO ISSUE, SUSPEND AND/OR REVOKE, AFTER DUE PROCESS CERTIFICATES OF REGISTRATION AND ISSUE, CANCEL AND SUSPEND PROFESSIONAL LICENSE/SPECIAL PERMITS
- TO ADOPT AN OFFICIAL SEAL OF THE BOARD
- TO LOOK INTO THE CONDITIONS AFFECTING THE PRACTICE OF THE MECHANICAL ENGINEERING PROFESSION AND, ADOPT SUCH MEASURES AS MAY BE DEEMED PROPER FOR THE ENHANCEMENT
- TO PRESCRIBE AND/OR ADOPT A CODE OF ETHICAL AND PROFESSIONAL STANDARDS
- TO HEAR AND TRY ADMINISTRATIVE CASES INVOLVING VIOLATIONS OF THIS ACT, ITS IMPLEMENTING RULES AND REGULATIONS, THE CODE OF ETHICS FOR MECHANICAL ENGINEERS, AND TO ISSUE SUBPOENA AND SUBPOENA DUCHESS TECUM TO SECURE THE APPEARANCE OF WITNESSES AND DOCUMENTS
- PRESCRIBE GUIDELINES IN THE CONTINUING PROFESSIONAL EDUCATION (CPE) PROGRAM
- PREPARE, ADOPT, ISSUE OR AMEND THE SYLLABI OF THE SUBJECTS FOR EXAMINATIONS
- APPROVE, ISSUE, LIMIT OR REVOKE TEMPORARY LICENSE
- DISCHARGE SUCH OTHER DUTIES AND FUNCTIONS AS DEEMED NECESSARY FOR THE ENHANCEMENT OF THE MECHANICAL ENGINEERING PROFESSION

10. ANNUAL REPORT

- AT THE CLOSE OF EACH CALENDAR YEAR, **SUBMIT AN ANNUAL REPORT TO THE PRESIDENT** OF THE PHILIPPINES THROUGH THE PROFESSIONAL REGULATION COMMISSION

11. REMOVAL OF BOARD MEMBER

- THE PRESIDENT UPON RECOMMENDATION OF THE COMMISSION MAY REMOVE ANY MEMBER OF THE BOARD ON THE FOLLOWING GROUNDS:
  - NEGLECT OF DUTY OR INCOMPETENCE, VIOLATION OF SUCH LAWS
  - FINAL JUDGEMENT OF CRIMES INVOLVING MORAL TURPITUDE

ARTICLE III

EXAMINATION, REGISTRATION, AND LICENSE

12. EXAMINATION REQUIRED

- REQUIRED TO UNDERGO AND PASS A WRITTEN TECHNICAL EXAMINATION

13. CATEGORIES

A. PROFESSIONAL MECH ENGINEER
B. REGISTERED MECH ENGINEER
C. CERTIFIED PLANT MECHANIC

14. QUALIFICATIONS OF APPLICANTS FOR PROFESSIONAL MECHANICAL ENGINEER

- ❑ HE IS A CITIZEN OF THE PHILIPPINES
- ❑ HE MUST NOT HAVE BEEN CONVICTED BY A COURT OF LAW
- ❑ HE HAS A VALID CERTIFICATE OF REGISTRATION AND HE IS A REGISTERED MECHANICAL ENGINEER AND A HOLDER OF A VALID PROFESSIONAL LICENSE
- ❑ HE HAS GRADUATED FROM AN ENGINEERING SCHOOL AFTER COMPLETING AN APPROVED COURSE IN MECHANICAL ENGINEERING
- ❑ HE HAS SPECIFIC RECORD OF **A TOTAL OF FOUR (4) YEARS** OR MORE OF ACTIVE MECHANICAL ENGINEERING PRACTICE, RECKONED FROM THE TIME HE REGISTERED A MECHANICAL ENGINEERING PRACTICE
- ❑ HE IS COMPETENT TO PRACTICE, AS ATTESTED TO BY **AT LEAST TWO (2)** PROFESSIONAL MECHANICAL ENGINEERS.

15. QUALIFICATIONS OF APPLICANTS FOR MECHANICAL ENGINEER

- ❑ HE IS A CITIZEN OF THE PHILIPPINES
- ❑ HE MUST NOT HAVE BEEN CONVICTED BY A COURT OF LAW
- ❑ HOLDER OF <u>BSME THAT IS ACCREDITED BY CHED</u>

16. QUALIFICATIONS OF APPLICANTS FOR CERTIFIED PLANT MECHANIC

- ❑ HE MUST NOT HAVE BEEN CONVICTED BY A COURT OF LAW
- ❑ HE HAS GRADUATED FROM A VOCATIONAL OR TRADE SCHOOL DULY RECOGNIZED BY THE GOVERNMENT AFTER COMPLETING AN APPROVED COURSE OF **NOT LESS THAN TWO (2) YEARS** IN STATIONARY OR POWER PLANT ENGINEERING OR ANY MECHANICAL PLANT OPERATION
- ❑ HE HAS RECORD OF **AN ADDITIONAL ONE (1) YEAR OR MORE** OF ACTIVE PRACTICE IN MECHANICAL PLANT OPERATION INDICATED IN AN AFFIDAVIT OF A PME AND THAT THE APPLICANT IS COMPETENT TO UNDERTAKE THE OPERATION, TENDING AND MAINTENANCE OF MECHANICAL WORKS, PROJECTS OR PLANT OF **NOT LESS THAN ONE HUNDRED (100) KILOWATTS.**

17. SCOPE OF EXAMINATION

- **<u>PROFESSIONAL MECHANICAL ENGINEER</u>**
- THE GRANTING OF CERTIFICATE OF REGISTRATION SHALL BE TESTIMONIAL IN NATURE WHICH SHALL INCLUDE:
  - SUBMISSION OF AN ENUMERATION OF THE APPLICANTS EXPERIENCE
  - PRESENTATION OF AN ENGINEERING REPORT/TECHNICAL PAPER PERTINENT TO HIS LINE OF EXPERIENCE ATTESTED TO BY **TWO (2) OR MORE** PME IN AN AFFIDAVIT FOR THIS PURPOSE

- **MECHANICAL ENGINEER**
- THE APPLICANT SHALL PASS A WRITTEN EXAMINATION ON DIFFERENT SUBJECTS OR GROUP OF SUBJECTS PRESCRIBED BY THE BOARD. THE SUBJECTS IN WHICH THE APPLICANT FOR MECHANICAL ENGINEERS SHALL BE EXAMINED ARE:
  - MACHINE DESIGN, MATERIALS, AND SHOP PRACTICE
  - INDUSTRIAL AND POWER PLANT ENGINEERING
  - MATHEMATICS ENGINEERING ECONOMICS AND BASIC ENGINEERING SCIENCES
- **CERTIFIED PLANT MECHANIC**
- THE EXAMINATION FOR CERTIFIED PLANT MECHANIC MAY BE WRITTEN OR ORAL ON SUBJECT MATTERS BASED ON THE FOLLOWING SUBMITTED STATEMENT OF EXPERIENCE:
  - ELEMENTS OF POWER PLANT MACHINERY
  - ELEMENTS OF INDUSTRIAL PLANT MACHINERY
  - SHOP MACHINERY AND PRACTICE

SUBJECT TO THE APPROVAL OF THE COMMISSION, THE BOARD MAY AMEND OR REVISE THE SUBJECTS, THEIR SYLLABI, PASSING AVERAGE, AND THE SYSTEM AND PROCEDURE IN THE LICENSURE EXAMINATIONS FOR THE PRACTICE OF MECHANICAL ENGINEERING AND THE CORRESPONDING WEIGHT PURSUANT TO IMPLEMENTING RULES AND REGULATIONS ISSUED FOR THIS PURPOSE. THE SAID SUBJECTS AND THEIR SYLLABI MAY BE AMENDED BY THE BOARD SO AS TO CONFORM TO TECHNOLOGICAL CHANGES BROUGHT ABOUT BY CONTINUING TRENDS IN THE PROFESSION.

18. REPORT OF RATINGS

- THE BOARD SHALL SUBMIT THE RATINGS TO THE COMMISSION WITHIN **15 DAYS**.

19. RE-EXAMINATION

- AN APPLICANT WHO FAILS THE EXAMINATION FOR THE THIRD (**3RD**) TIME SHALL BE ALLOWED TO TAKE ONLY AFTER THE LAPSE OF ONE YEAR.

20. OATH

- ALL CANDIDATES WHO PASSED SHALL BE REQUIRED TO TAKE AN OATH OF PROFESSION BEFORE THE BOARD OR ANY GOVERNMENT OFFICIAL AUTHORIZED TO ADMINISTER OATHS BEFORE PRACTICE

21. ISSUANCE OF CERTIFICATIONS OF REGISTRATION AND PROFESSIONAL LICENSE

- UPON **PAYMENT OF THE REGISTRATION** FEE, THE BOARD SHALL ISSUE A CERTIFICATE OF REGISTRATION TO ANY APPLICANT WHO HAS MET ALL THE REQUIREMENTS.
- **CERTIFICATE** SHALL INDICATE THE FULL NAME OF THE REGISTRANTS, SIGNED BY ALL THE MEMBERS OF THE BOARD AND THE COMMISSION AND AFFIXED WITH THE OFFICIAL SEAL OF THE COMMISSION. THE ISSUANCE OF A CERTIFICATE OF REGISTRATION THAT THE PERSON NAMED THEREIN IS ENTITLED TO ALL THE PRIVILEGES THAT A PME, RME, CPM HAVE.
- A PROFESSIONAL LICENSE BEARING THE REGISTRATION NUMBER, DATE OF ISSUANCE, EXPIRY DATE AND DULY SIGNED BY THE CHAIRMAN OF THE BOARD, SHALL LIKEWISE BE ISSUED TO EVERY REGISTRANT, PROVIDED THAT PROFESSIONAL FEES HAVE BEEN PAID. *NO PERSON SHALL PRACTICE MECHANICAL ENGINEERING IN THIS COUNTRY UNLESS SUCH PERSON SHALL HAVE SECURED A LICENSE.*
- SUBJECT TO THE APPROVAL OF THE COMMISSION, **CERTIFICATES OF SPECIALTY** SHALL BE ISSUED BY THE BOARD, SUBJECT TO THE APPROVAL OF THE COMMISSION, TO PROFESSIONAL MECHANICAL ENGINEERS. THESE ARE FOR SPECIFIC FIELDS IN WHICH THE APPLICANTS HAVE SPECIALIZED KNOWLEDGE, TRAINING AND EXPERIENCE AND HAVE DOCUMENTED THEIR COMPETENCE AND EXPERTISE.

22. RATINGS

- TO PASS THE EXAMINATION MUST OBTAIN AN **AVERAGE OF SEVENTY** PERCENT **(70%)** ON ALL SUBJECTS, **WITH NO RATING BELOW FIFTY PERCENT (50%) IN ANY OF THE SUBJECTS.**

23. INTEGRATION AND ACCREDITATION OF MECHANICAL ENGINEERS

- **AN INTEGRATED ORGANIZATION OF MECHANICAL ENGINEERS** SHALL BE CREATED AND ACCREDITED BY THE BOARD AND COMMISSION. ALL PERSONS WHOSE NAMES NOW APPEAR IN THE ROLL OF PME, RME AND CPM UPON REGISTRATION AND PAYMENT OF THE REQUIRED FEES SHALL AUTOMATICALLY BECOME MEMBERS OF THE ORG.
- THE INTEGRATION OF THE MECHANICAL ENGINEERING PROFESSIONAL SHALL NOT BE A BAR TO THE FORMATION OF **VOLUNTARY ORGANIZATION OF MECHANICAL ENGINEERS WHICH MAY COEXIST BETWEEN AFFILIATED ORGANIZATIONS.**
- THE BOARD, SUBJECT TO THE APPROVAL BY THE COMMISSION AND AFTER CONSULTATION WITH THE EXISTING ACCREDITED ORGANIZATION OF MECHANICAL ENGINEERS AND OTHER AFFILIATED ORGANIZATION OF MECHANICAL ENGINEERS AND, IF POSSIBLE, WITH THE **SUBSTANTIAL NUMBER OF THE MECHANICAL ENGINEERS WHO ARE NON-ORGANIZATION MEMBERS, SHALL PROVIDE THE GUIDELINES AND MECHANISMS FOR THE ESTABLISHMENT AND CREATION, CONTINUED SUPERVISION** OF THE INTEGRATED AND ACCREDITED ORGANIZATION OF MECHANICAL ENGINEERS.
- THE **REGISTERED AND LICENSED ENGINEERS AND CERTIFIED PLANT MECHANICS SHALL RECEIVE THE BENEFITS AND PRIVILEGES APPURTENANT TO THEIR MEMBERSHIP** IN DULY INTEGRATED AND ACCREDITED MECHANICAL ENGINEERING ASSOCIATION ONLY UPON PAYMENT OF THE REQUIRED FEES AND DUES.

24. SEAL OF PROFESSIONAL MECHANICAL ENGINEER

- A PROFESSIONAL MECHANICAL ENGINEER SHALL, UPON REGISTRATION, OBTAIN A SEAL OF SUCH DESIGN PRESCRIBED BY THE BOARD, **BEARING THE REGISTRANTS- NAME, THE CERTIFICATE NUMBER AND THE LEGEND -PROFESSIONAL MECHANICAL ENGINEER.-**
- ALL PROJECTS SHALL BE **STAMPED ON EVERY SHEET WITH SAID SEAL OF THE REGISTRANT** WHEN FILED WITH GOVERNMENT AUTHORITIES OR WHEN SUBMITTED OR USE PROFESSIONALLY.

25. NON-ISSUANCE OF CERTIFICATE OF CERTAIN GROUNDS

- THE BOARD **SHALL NOT ISSUE A CERTIFICATE OF REGISTRATION TO ANY PERSON CONVICTED OF CRIMES INVOLVING MORAL TURPITUDE,** OR IMMORAL OR DISHONORABLE CONDUCT OR **ANY PERSON OF UNSOUND MIND DECLARED BY A COURT OF COMPETENT JURISDICTION**

26. REVOCATION AND SUSPENSION OF CERTIFICATE

- THE BOARD SHALL HAVE THE POWER, UPON PROPER NOTICE AND HEARING, **TO SUSPEND OR REVOKE ANY CERTIFICATE OF REGISTRATION OF ANY REGISTRANT**:
  - THE USE IN WHATEVER WAY OF ANY FRAUD OR DECEIT IN OBTAINING A CERTIFICATE OF REGISTRATION
  - GROSS NEGLIGENCE OR INCOMPETENCE
  - UNPROFESSIONAL OR DISHONORABLE CONDUCT
  - VIOLATION OF THE CODE OF ETHICS FOR MECHANICAL ENGINEERS AND CERTIFIED PLANT MECHANICS
- PROVIDED, THAT THE ACTION OF THE BOARD SHALL BE SUBJECT TO APPEAL TO THE COMMISSION **WITHIN FIFTEEN (15) DAYS FROM NOTICE**, WHOSE DECISION ON THE MATTER SHALL BE FINAL.

27. GROUNDS FOR SUSPENSION AND REVOCATION OF LICENSES

- THE BOARD SHALL HAVE THE POWER, UPON DUE NOTICE AND HEARING, **TO REVOKE OR SUSPEND THE LICENSE OF MECHANICAL ENGINEERS, OR TO CANCEL A TEMPORARY/SPECIAL PERMIT**:
  - THE USE OR PERPETUATION OF ANY FRAUD OR DECEIT IN OBTAINING A CERTIFICATE OF REGISTRATION
  - FOR INCOMPETENCE AND NEGLIGENCE
  - ILLEGAL PRACTICE OF MECHANICAL ENGINEERING, VIOLATION OF THE PROVISIONS OF THE ME LAW, CODE AND ETHICS.
- PROVIDE, HOWEVER, THAT SUCH ACTION OF THE BOARD SHALL BE SUBJECT TO APPEAL WITH THE PROPER REGIONAL TRIAL COURT FOR APPROPRIATE RELIEF.

28. REINSTATEMENT AND REPLACEMENT OF THE CERTIFICATES

- THE BOARD MAY REINSTATE THE VALIDITY OF A REVOKED CERTIFICATE OF REGISTRATION AND PROFESSIONAL LICENSE, UPON PAYMENT OF THE REQUIRED FEES, **AT LEAST TWO (2) YEARS AFTER REVOCATION**.
- A NEW CERTIFICATE OF REGISTRATION TO REPLACE ANY CERTIFICATE LOST, DESTROYED OR MUTILATED MAY BE ISSUED.

29. RENEWAL OF LICENSE

- LICENSE SHALL SERVE AS EVIDENCE THAT THE LICENSEE CAN PRACTICE HIS PROFESSION UNTIL ITS EXPIRATION. HOWEVER, RENEWAL OF LICENSE CAN ONLY BE DONE UPON PAYMENT OF RENEWAL FEE CORRESPONDING TO **THREE (3) CONSECUTIVE YEARS**.

30. VESTED RIGHTS: AUTOMATIC REGISTRATION OF PRACTICING MECHANICAL ENGINEERS

- ALL PRACTICING MECHANICAL ENGINEERS WHO ARE REGISTERED AT THE TIME THIS ACT TAKES EFFECT, SHALL AUTOMATICALLY BE REGISTERED.

31. COVERAGE OF TEMPORARY/SPECIAL PERMITS

- **MECHANICAL ENGINEERS FROM OTHER COUNTRIES** CALLED IN FOR CONSULTATION OR FOR A SPECIFIC PROJECT NOT REQUIRING **MORE THAN THREE (3) MONTHS RESIDENCE IN THE PHILIPPINES IN A TWELVE (12) MONTH PERIOD**: PROVIDED THAT THE ENGINEER IS LEGALLY QUALIFIED TO PRACTICE MECHANICAL ENGINEERING IN THEIR OWN COUNTRY IN WHICH THE *QUALIFICATIONS FOR OBTAINING A CERTIFICATE ARE AT LEAST EQUAL TO OR MORE.*
- **FOREIGNERS EMPLOYED AS TECHNICAL OFFICERS, TRAINING OFFICERS OR CONSULTANTS** IN SUCH SPECIAL BRANCHES OF MECHANICAL ENGINEERING MAY BE *ISSUED TEMPORARY PERMITS*:
  - NON-AVAILABILITY OF A MECHANICAL ENGINEER AND/OR MECHANIC IN THE COUNTRY WHO IS COMPETENT, ABLE AND WILLING.
  - THE FOREIGNER MUST HAVE BEEN IN THE PRIOR EMPLOY OF THE ENGAGING FIRM, OR ITS FOREIGN BUSINESS PARTNER, OUTSIDE OF THE PHILIPPINES FOR A PERIOD OF **NOT LESS THAN ONE (1) YEAR**
  - ANY PARTICULAR OR SPECIFIC ENGAGEMENT **SHALL NOT BE IN EXCESS OF SIX (6) MONTHS** BUT MAY BE RENEWED ONCE, IF NECESSARY, EXCEPT WHEN SUCH ENGAGEMENT IS FOR A NEWLY ESTABLISHED FIRM - **NOT TO EXCEED A TOTAL TERM OF TWO (2) YEARS**.

32. INDICATION OF LICENSE AND PROFESSIONAL TAX RECEIPT

- THE ENGINEER IS REQUIRED TO INDICATE HIS PROFESSIONAL LICENSE NUMBER, THE DURATION OF VALIDITY, INCLUDING THE PROFESSIONAL TAX RECEIPT NUMBER ON THE DOCUMENTS HE SIGNS/USES/ISSUES.

ARTICLE IV

PRACTICE OF PROFESSION

33. FIELD OF ACTION AUTHORIZED FOR EACH CATEGORY: PROHIBITION

- IT SHALL BE UNLAWFUL FOR ANY PERSON, UNLESS AUTHORIZED UNDER THIS ACT:

FIELD OF ACTION	PME	RME	CPM
PREPARATION OF PLANS AND DESIGNS	/		
TEACH PROFESSIONAL SUBJECTS	MASTERS AND PHD		
CONSTRUCTION, ERECTION, INSTALLATION OF MECH'L ENG'G SERVICES	/	/	
OPERATE, TEND, OR MAINTAIN: **100KW<PLANT<300KW**	/	/	/
OPERATE, TEND, OR MAINTAIN: **300KW<PLANT<2000KW**	/	/	
OPERATE, TEND, OR MAINTAIN: PLANT: **>2000KW**	/		

34. PERSONNEL REQUIRED IN MECHANICAL PLANT

- EVERY MECHANICAL WORK PROJECT OR PLANT IN OPERATION SHALL HAVE NOT LESS THAN THE FOLLOWING COMPLEMENT OF RESIDENT LICENSED PROFESSIONAL MECHANICAL ENGINEER, MECHANICAL ENGINEER OR CERTIFIED PLANT MECHANIC:

POWER	PME	RME	CPM
100KW<PLANT<300KW	/	/	/
300KW<PLANT<2000KW	/	/	
PLANT: >2000KW	/		

35. PREPARATION OF PLANS AND SUPERVISION OF CONSTRUCTION BY LICENSED ENGINEERS REQUIRED

- IT SHALL BE UNLAWFUL TO ORDER THE FABRICATION, CONSTRUCTION, ERECTION, INSTALLATION OR ALTERATION OF ANY MECHANICAL WORKS, PROJECTS, OR PLANTS, **UNLESS THE DESIGNS, PLANS, LAYOUTS OR SPECIFICATIONS HAVE BEEN PREPARED BY OR UNDER THE RESPONSIBLE CHARGE OF, AND DULY SIGNED AND SEALED BY A PROFESSIONAL MECHANICAL ENGINEER.**
- PROPOSALS AND QUOTATIONS FOR THE SUPPLY AND FABRICATION OF MECHANICAL EQUIPMENT, WORKS, PROJECTS, PLANTS, MECHANICAL POLLUTION ABATEMENT SYSTEMS, MECHANICAL FIRE PROTECTION SYSTEMS, PRESSURIZED PIPES WITH A **WORKING PRESSURE OF NOT LESS THAN 70 KPA.**, SHALL BE DULY SIGNED AND SEALED BY A PROFESSIONAL MECHANICAL ENGINEER.

36. PRACTICE NOT ALLOWED FOR FIRMS AND CORPORATIONS

- NO FIRM, COMPANY PARTNERSHIP, ASSOCIATION OR CORPORATION MAY BE REGISTERED OR LICENSED AS SUCH FOR THE PRACTICE OF MECHANICAL ENGINEERING PROVIDED THAT:
- **NOBODY SHALL BE A MEMBER, PARTNER OR ASSOCIATE UNLESS HE IS A DULY REGISTERED AND LICENSED MECHANICAL ENGINEER**, AND THE MEMBERS WHO ARE MECHANICAL ENGINEERS SHALL ONLY RENDER WORK AND SERVICES PROPER FOR MECHANICAL ENGINEERS AS DEFINED IN THIS ACT.

37. POSTING OF CERTIFICATES

- THE OWNER, MANAGER, OR OTHER PERSON IN-CHARGE OF ANY MECHANICAL WORKS, PROJECTS, OR **PLANTS OF ONE HUNDRED (100) KW OR MORE**, SHALL POST OR CAUSE TO BE POSTED IN A VISIBLE PLACE WITHIN SUCH PLANT OF BUSINESS, THE ORIGINAL CERTIFICATE OF REGISTRATION OF THE ENGINEER AND OF THE CERTIFIED PLANT MECHANIC/S EMPLOYED IN SUCH PLANT, IN A FRAME.

38. ROSTER OF ENGINEERS AND MECHANICS

- A ROSTER SHOWING THE NAMES AND PLACE OF BUSINESS OF ALL REGISTERED PROFESSIONAL MECHANICAL ENGINEERS, MECHANICAL ENGINEERS AND CERTIFIED PLANT MECHANICS, SHALL BE PREPARED BY THE COMMISSION WHICH SHALL BE MADE AVAILABLE TO ANY INTERESTED PARTIES UPON FORMAL WRITTEN REQUEST.

39. FOREIGN RECIPROCITY

- *NO FOREIGN MECHANICAL ENGINEER SHALL BE ALLOWED TO PRACTICE MECHANICAL ENGINEERING* UNLESS HE CAN PROVE THAT THE COUNTRY OF WHICH HE IS A SUBJECT OR CITIZEN, *IN THE SPIRIT OF RECIPROCITY*, PERMITS FILIPINO MECHANICAL ENGINEERS AND/ OR MECHANICS TO PRACTICE WITHIN ITS TERRITORIAL LIMITS.

40. ENFORCEMENT OF THE ACT BY THE OFFICERS OF THE LAW

- *THE PRC SHALL BE THE ENFORCEMENT AGENCY OF THE BOARD*. AS SUCH, THE COMMISSION SHALL IMPLEMENT THE CONCERNED PROVISIONS OF THIS ACT.

41. QUALIFICATION REQUIREMENTS

- IN A GOVERNMENT OR PRIVATE INSTITUTION WHERE A POSITION REQUIRES A MASTERS- DEGREE HOLDER, A HOLDER OF PROFESSIONAL MECHANICAL ENGINEER LICENSE SHALL BE ELIGIBLE FOR THE POSITION.
- WHERE A POSITION REQUIRES A PROFESSIONAL MECHANICAL ENGINEER-LICENSE, A HOLDER OF A MASTERS- OR DOCTORATE DEGREE IN MECHANICAL ENGINEERING, WITH A REGISTERED MECHANICAL ENGINEER- LICENSE SHALL BE CONSIDERED FOR THE POSITION

ARTICLE V

PENAL AND CONCLUDING PROVISIONS

42. PENALTIES

- PENALIZED BY A FINE OF **NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) NOR MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00)**, OR IMPRISONMENT OF **NOT LESS THAN SIX (6) MONTHS NOR MORE THAN THREE (3) YEARS**, OR BOTH FINE AND IMPRISONMENT AT THE DISCRETION OF THE COURT.

43. IMPLEMENTING RULES AND REGULATIONS

- THE BOARD SHALL FORMULATE AND ISSUE THE IMPLEMENTING RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT.

44. FUNDING PROVISIONS

- SUCH SUMS AS MAY BE **NECESSARY TO CARRY OUT PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT** OF THE YEAR FOLLOWING ITS ENACTMENT INTO LAW AND THEREAFTER.

45. SEPARABILITY CLAUSE

- IF ANY SECTION OR PORTION OF THIS ACT SHALL BE DECLARED UNCONSTITUTIONAL OR INVALID, THE SAME SHALL NOT INVALIDATE ALL OTHER SECTIONS OR PORTIONS NOT AFFECTED THEREBY.

46. REPEALING CLAUSE

- **COMMONWEALTH ACT NO. 294**, AS AMENDED BY **REPUBLIC ACT NO. 5336**, IS HEREBY REPEALED AND ALL OTHER LAWS, PARTS OF LAW, OTHERS, ORDINANCES, OR REGULATIONS RELATIVE TO THE PRACTICE OF MECHANICAL ENGINEERING WHICH ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT ARE HEREBY REPEALED OR MODIFIED ACCORDINGLY.

47. TRANSITORY PROVISIONS

- **MECHANICAL PLANT ENGINEERS POSSESSING VALID CERTIFICATES OF REGISTRATION** ISSUED UNDER **COMMONWEALTH ACT NO. 294** WITH BSME DEGREE SHALL REGISTER AND BE ISSUED CERTIFICATES AS PROFESSIONAL MECHANICAL ENGINEERS TO REPLACE THEIR ORIGINAL CERTIFICATE OF REGISTRATION.
- **FACULTY MEMBERS CURRENTLY TEACHING MECHANICAL ENGINEERING PROFESSIONAL SUBJECTS** IN UNIVERSITIES **SHALL NOT BE ALLOWED TO CONTINUE TEACHING AFTER FIVE (5) YEARS FROM THE APPROVAL OF THIS ACT, UNLESS THEY ARE OR HAVE BECOME PROFESSIONAL MECHANICAL ENGINEERS OR AT LEAST REGISTERED MECHANICAL ENGINEERS WITH A MASTERS- DEGREE IN MECHANICAL ENGINEERING**
- THE PRESENT BOARD SHALL CONTINUE TO FUNCTION IN TEMPORARY UNTIL SUCH TIME AS THE NEW BOARD SHALL BE CONSTITUTED.

48. EFFECTIVELY CLAUSE

- THIS ACT SHALL **TAKE EFFECT FIFTEEN (15) DAYS** FOLLOWING ITS PUBLICATION IN THE OFFICIAL GAZETTE OR A MAJOR DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE PHILIPPINES, WHICHEVER IS EARLIER.

CODE OF MECHANICAL ENGINEERING *ETHICS* IN THE PHILIPPINES

PURSUANT TO **SECTION 9 OF COMMONWEALTH ACT NO. 294**, AS AMENDED, OTHERWISE KNOWN AS THE MECHANICAL ENGINEERING LAW, THIS CODE OF MECHANICAL ENGINEERING ETHICS IS HEREBY ADOPTED BY THE BOARD

GENERAL PRINCIPLES

1. SHALL BE GOVERNED BY THE GOLDEN RULE, THE IDEALS OF SERVICE TO MAN AND HIS ENVIRONMENT, AND THE INDISPENSABILITY OF UNWAVERING PUBLIC CONFIDENCE IN HIS PROFESSIONAL COMPETENCE, INTEGRITY AND HUMANITY.
2. SHALL MAINTAIN THE PROPER PRIDE FOR HIS PROFESSION
3. SHALL UPDATE AND ENHANCE CONSTANTLY HIS PROFESSIONAL KNOWLEDGE AND SKILLS
4. ETHICAL PRINCIPLE APPLIES EQUALLY TO PARTNERSHIPS, FIRMS AND ENTITIES ORGANIZED AND EXISTING

RELATIONS WITH THE STATE

5. SHALL BE GOVERNED BY THE GOLDEN RULE, THE IDEALS OF SERVICE TO MAN AND HIS ENVIRONMENT, AND THE INDISPENSABILITY OF UNWAVERING PUBLIC CONFIDENCE IN HIS PROFESSIONAL COMPETENCE, INTEGRITY AND HUMANITY.
6. SHALL MAINTAIN THE PROPER PRIDE FOR HIS PROFESSION
7. SHALL UPDATE AND ENHANCE CONSTANTLY HIS PROFESSIONAL KNOWLEDGE AND SKILLS
8. ETHICAL PRINCIPLE APPLIES EQUALLY TO PARTNERSHIPS, FIRMS AND ENTITIES ORGANIZED AND EXISTING

RELATIONS WITH THE COMMUNITY

9. SHALL BE WELL-INFORMED OF THE LATEST TECHNOLOGIES. HE SHALL BE REQUIRED THE USE OF STANDARDS
10. WHENEVER HE DESIGNS A PROJECT, HE MUST APPLY AN ADEQUATE FACTOR OF SAFETY, AND PROVIDE FOR THE LEEWAY FOR PROPER OPERATING AND MAINTENANCE CONDITIONS.
11. WHEN HE DISCOVERS FAULTY OR UNSAFE WORK HE SHALL QUICKLY, GIVE NOTICE EVEN IF HE IS NOT RESPONSIBLE

RELATIONS WITH LABOR

12. SHALL RECOGNIZE LABOR AS A MAJOR RESOURCE AND ACKNOWLEDGE THAT A WORKING MAN IS NOT A MECHANICAL ROBOT BUT A HUMAN BEING.
13. HE SHALL BE FAMILIAR WITH THE STATE POLICIES ON LABOR AND SOCIAL JUSTICE AND MUST OBSERVE THEM.
14. SHALL STRIVE TO IMPROVE THE SKILLS OF HIS WORKMEN, PAY THEM A FAIR LIVING WAGE, AND INSTRUCT THEM ON HOW TO PREVENT ACCIDENTS IN THEIR PLACE OF WORK.

EFFECTIVITY

31. THIS SHALL TAKE EFFECT **AFTER APPROVAL BY PRC AND AFTER 15 DAYS** FOLLOWING ITS PUBLICATION.

RELATIONS WITH CLIENTS AND EMPLOYEES

15. SHALL OBSERVE PUNCTUALITY IN HIS APPOINTMENTS, PERFORM HONESTLY AND IN GOOD FAITH HIS CONTRACTUAL OBLIGATION, AND OBSERVE FAIR DEALING
16. SHALL TREAT WITH CONFIDENTIALITY ANY INFORMATION OBTAINED BY HIM AS TO THE BUSINESS
17. SHALL INFORM HIS CLIENT OR EMPLOYER OF HIS CONNECTIONS, INTERESTS, OR AFFILIATIONS WHICH MAY INFLUENCE HIS JUDGMENT
18. ENTITLED TO A FAIR COMPENSATION FOR HIS SERVICES. TO COMPUTE, THE PERIOD OF TIME CONSUMED, HIS KNOWLEDGE, SKILL, EXPERIENCE, AND REPUTATION, AND THE DEPRECIATION OF INSTRUMENTS USED, SHALL BE CONSIDERED
19. HE SHALL ACCEPT COMPENSATION FOR HIS SERVICES FROM HIS CLIENT OR EMPLOYER ONLY. HE MAY RECEIVE COMPENSATION FROM ANY OTHER SOURCE ONLY WITH THE FULL CONSENT OF ALL PARTIES CONCERNED.
20. SHALL BE ABOVE SUSPICION IN HIS RELATION WITH HIS CLIENTS, AVOIDING THE DISTANT REFERENCE TO ANY QUESTIONABLE AGREEMENT ON FINANCIAL CONSIDERATIONS RECEIVED FROM ANY ENTITY OTHER THAN HIS CLIENT

RELATIONS WITH COLLEAGUES AND ASSOCIATES

21. BE TRUE AND YOU CANNOT BE FALSE TO ANY MAN
22. SHALL USE ONLY FAIR MEANS TO GAIN PROFESSIONAL ADVANCEMENT. IN THE PURSUIT THEREOF HE SHALL NOT INJURE THE WORK OPPORTUNITIES OF OTHERS OR USE ANY IMPROPER METHOD OF SOLICITING EMPLOYMENT.
23. HE SHALL REFRAIN FROM ASSOCIATION WITH ANY PERSON OF QUESTIONABLE REPUTATION.
24. SHALL PROVIDE THE MEANS TO ADVANCE THE KNOWLEDGE, SKILLS, AND EXPERIENCE OF HIS ASSOCIATES.
25. SHALL DEFINE CLEARLY THE LINE OF AUTHORITY AND SCOPE OF RESPONSIBILITY OF HIS ASSOCIATES. ORDERS SHALL BE ISSUED THROUGH PROPER CHANNELS.
26. SHALL BE OPEN TO NEW IDEAS FROM OTHERS, AND READY TO RECOGNIZE THE AUTHORS.
27. SHALL USE SENSITIVITY IN DEALING WITH HIS ASSOCIATES, BUT NOT SACRIFICING FIRMNESS. HE SHALL WORK OUT DIFFICULT PROBLEMS WITH COURAGE AND SERENITY.
28. CAREFUL SELECTION OF UNDERSTUDIES SHALL BE A GUIDING PRINCIPLE, AND PREFERENCE SHALL BE GIVEN TO THOSE WITH ACCEPTABLE ENGINEERING EDUCATION.
29. SHALL NOT LET OTHERS FACE DANGER THAT HE WILL NOT FACE AND HE SHALL OBSERVE SAFETY REQUIREMENTS
30. SHALL SUPPORT THE ASSOCIATION WITH THE GOAL OF ENHANCING THE PRACTICE OF PROFESSION

PENAL PROVISIONS

31. VIOLATION OF ANY PROVISION OF THIS CODE SHALL BE PUNISHABLE BY A FINE OF **NOT MORE THAN P200.00,** OR **AN IMPRISONMENT FOR NOT MORE THAN 2 MONTHS, OR BOTH.**
32. VIOLATION OF ANY PROVISION OF THIS CODE SHALL BE DEALT WITH UNDER THE PROVISIONS OF **SEC. 42 OF THE ME ACT, R.A. NO. 8495.**